

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALGONQUIN POWER INCOME FUND;
ALGONQUIN POWER CORPORATION, INC.;
ALGONQUIN POWER U.S. HOLDINGS, INC.;
ALGONQUIN POWER FUND (CANADA), INC.;
and ALGONQUIN POWER SYSTEMS, INC.;

Adversary Defendants-Appellants,

-v-

6:07-CV-1258

CHRISTINE FALLS OF NEW YORK, INC.
and TRAFALGAR POWER INC.,

Adversary Plaintiffs-Appellees.

APPEARANCES:

MENTER RUDIN & TRIVELPIECE
Attorneys for Algonquin Power Parties
308 Maltbie Street Suite 200
Syracuse, New York 13204-1498

HARRIS BEACH PLLC
Attorneys for Trafalgar Power Parties
99 Garnsey Road
Pittsford, New York 14534
300 South State Street
Syracuse, New York 13202

DAVID N. HURD
United States District Judge

OF COUNSEL:

JEFFREY A. DOVE, ESQ.
JAMES C. THOMAN, ESQ.

PAUL J. YESAWICH, III, ESQ.
LAURA W. SMALLEY, ESQ.

DAVID M. CAPRIOTTI, ESQ.

DECISION and ORDER

On January 30, 2013, the United States Court of Appeals for the Second Circuit issued a decision reversing the October 25, 2013, Memorandum-Decision and Order and remanding for entry of a judgment for Adversary Defendants-Appellants Algonquin Power Income Fund; Algonquin Power Corporation, Inc.; Algonquin Power U.S. Holdings, Inc.;

Algonquin Power Fund (Canada), Inc.; and Algonquin Power Systems, Inc. Algonquin Power Income Fund v. Christine Falls of N.Y., Inc., __ Fed. Appx. __, 2013 WL 336002 (2d Cir. Jan. 30, 2013) (summary order), reversing & remanding, 466 B.R. 175 (N.D.N.Y. 2011). The Mandate was issued on June 24, 2013, and filed in the Northern District of New York on June 25, 2013.

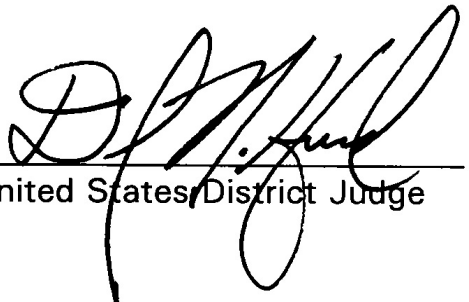
In accordance with the directive of the United States Court of Appeals for the Second Circuit, it is

ORDERED that

1. The Judgment entered on October 25, 2011, is VACATED;
2. The October 30, 2007, decision of the Bankruptcy Court is REVERSED;
3. This matter is REMANDED to the United States Bankruptcy Court for the

Northern District of New York for entry of judgment in the underlying adversary proceeding in favor of Adversary Defendants-Appellants Algonquin Power Income Fund; Algonquin Power Corporation, Inc.; Algonquin Power U.S. Holdings, Inc.; Algonquin Power Fund (Canada), Inc.; and Algonquin Power Systems, Inc. and against Adversary Plaintiffs-Appellees Christine Falls of New York, Inc. and Trafalgar Power Inc.

IT IS SO ORDERED.



United States District Judge

Dated: June 26, 2013
Utica, New York.